



Customer No. 30223

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:
Raj K. Mangla et al.

Serial No.: 10/616,733

Filed: July 10, 2003

For: VENTED CONTAINER WITH HANDLES
AND EMBOSSEMENT

Confirmation No.: 9491

Group Art Unit: 1741

Examiner: N. Hayden

Atty. Docket No.: 47097-00958USPR

**DECLARATION OF JANICE L. LINDEMANN IN SUPPORT
OF PETITION OF AN UNAVAILABLE INVENTOR**

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313

Dear Commissioner:

CERTIFICATE OF MAILING

37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date below:

2-27-04
Date

Janice Lindemann
Signature

I, Janice L. Lindemann, an employee of Pactiv Corporation, having personal knowledge of the facts set forth herein, hereby state and declare that:

1. I am Supervisor, Engineering Support Services at Pactiv Corporation ("Pactiv"). Among other responsibilities, I am responsible for coordinating intellectual property activities for Pactiv.
2. I have knowledge of the details set forth in this Declaration.
3. I submit this Declaration in support of the proof of the pertinent facts of the diligent but unsuccessful effort which was made to locate inventor J. Scott Dellinger to obtain an executed declaration for the above-captioned patent application.

4. Pactiv is the owner of U.S. Patent No. 6,257,401 B1 which Pactiv is seeking to reissue in the above-captioned patent application. The Assignment for U.S. Patent No. 6,257,401 B1 was recorded with the U.S. Patent and Trademark Office at Reel 009972, Frame 0507.
5. At the present time, one of the inventors, J. Scott Dellinger, cannot be located.
6. Mr. Dellinger left the employ of Pactiv on April 16, 1999. His address when he left Pactiv was 1118 Johnson Drive, Apt. 3433, Buffalo Grove, IL 60089.
7. He reportedly moved from the Chicago area in the April 1999 time frame to take care of his sick grandmother living in another state.
8. In 2000, I communicated with Mr. Dellinger on behalf of Pactiv at 1098 Blue Mill Road, Del Rio, TN 37727 to obtain his signature for an assignment in an unrelated matter. I was successful in reaching Mr. Dellinger at 1098 Blue Mill Road, Del Rio, TN 37727 at that time.
9. On October 20, 2003, I communicated with Mr. Dellinger's former supervisor at Pactiv, Mr. Thomas J. Hayes, to ask him to provide any contact information he had for Mr. Dellinger. A true and correct copy of the October 20, 2003 electronic mail to Mr. Hayes is attached as Ex. A. Mr. Hayes provided two addresses: (i) 504 Bethel Road, Apt. 1003, Morganton, NC 28655-4900 and (ii) 1098 Blue Mill Road, Del Rio, TN 37727 (which Mr. Hayes identified as Mr. Dellinger's mother's address). A true and correct copy of the October 20, 2003 electronic mail from Mr. Hayes is attached as Ex. B. Mr. Hayes also provided two telephone numbers for Mr. Dellinger: (i) (828) 437-1948 and (ii) (423) 487-3223. *See* Ex. B. Mr. Hayes also provided an email address for Mr. Dellinger of jsdellinger@yahoo.com. *See id.*
10. On October 20, 2003, I sent an electronic mail message to Mr. Dellinger at jsdellinger@yahoo.com advising him that his signature was needed for declaration papers related to the above-captioned patent application. A true and correct copy of the October 20, 2003

electronic mail message to Mr. Dellinger is attached as Ex. C. In my electronic mail message, I advised Mr. Dellinger that Pactiv had two addresses for him: (i) 504 Bethel Road, Apt. 1003, Morganton, NC 28655-4900 and (ii) 1098 Blue Mill Road, Del Rio, TN 37727 (which I indicated was believed to be his mother's address). *See* Ex. C. In my electronic mail message, I also advised Mr. Dellinger that Pactiv had two telephone numbers for him: (i) (828) 437-1948 and (ii) (423) 487-3223. *See id.* I asked Mr. Dellinger to advise me regarding which address Pactiv should use to communicate with him. *See id.* I never received a return written or oral response from Mr. Dellinger. I also did not receive a "bounceback" electronic mail message indicating that my October 20, 2003 electronic mail message was unable to be delivered to the jsdellinger@yahoo.com electronic mail account.

11. On October 31, 2003, I sent a letter with an accompanying declaration to be executed by Mr. Dellinger to 504 Bethel Road, Apt. 1003, Morganton, NC 28655-4900. A true and correct copy of the October 31, 2003 letter to Mr. Dellinger is attached as Ex. D. I used the U.S. Postal Service's certified mail, return receipt delivery service ("Certified Mail Service") to send the letter attached as Ex. D to Mr. Dellinger. A true and correct copy of the Certified Mail Service return receipt postcard for item no. 7000 0600 0027 6324 5820 is attached as Ex. E. On December 16, 2003, the Certified Mail Service returned the package containing my October 31 letter to Pactiv as "unclaimed" as shown in attached Ex. F. A true and correct copy of the return Certified Mail Service envelope for item no. 7000 0600 0027 6324 5820 is attached as Ex. F.

12. On October 31, 2003, I sent a duplicate letter with an accompanying declaration to be executed by Mr. Dellinger to his mother's last known address at 1098 Blue Mill Road, Del Rio, TN 37727. A true and correct copy of the October 31, 2003 letter to Mr. Dellinger is attached as Ex. G. I used the U.S. Postal Service's Certified Mail Service to send the letter attached as Ex. G.

to Mr. Dellinger. A true and correct copy of the Certified Mail Service return receipt postcard for item no. 7000 0600 0027 6324 5837 is attached as Ex. H. The Certified Mail Service postcard was returned showing delivery to Mr. J. Scott Dellinger, 1098 Blue Mill Road, Del Rio, TN 37727 on November 7, 2003 as shown in attached Ex. I. A true and correct copy of the Certified Mail Service return receipt postcard for item no. 7000 0600 0027 6324 5837 is attached as Ex. I.

13. I tried calling Mr. Dellinger's Morganton, NC telephone number of (828) 437-1948 on October 20, 2003. I received a recorded message which indicated that the phone number was "disconnected or not in service."

14. I tried calling Mr. Dellinger's mother's Del Rio, TN home at telephone number (423) 487-3223 at different times of the day beginning on November 11, 2003. I made at least ten (10) calls to the (423) 487-3223 number between November 11, 2003 and December 15, 2003 and would let the telephone ring at least ten times each call but was unable to reach someone or obtain an answering machine. Finally, on December 16, 2003 at 5:00 p.m. (EST), for the first and only time, an individual answered the telephone when I called the (423) 487-3223 number. The woman who answered advised me that (i) the 1098 Blue Mill Road, Del Rio, TN 37727 address was a valid contact address for Mr. Dellinger; (ii) she seemed to recall that Mr. Dellinger had received an envelope from Pactiv; (iii) she thought Mr. Dellinger had returned the envelope; (iv) Mr. Dellinger was traveling and would not be home for awhile; and (v) she would discuss my call with Mr. Dellinger when he returned.

15. On January 22, 2004, I sent a letter dated January 21, 2004 with an accompanying declaration to be executed by Mr. Dellinger to the 1098 Blue Mill Road, Del Rio, TN 37727 address. A true and correct copy of the January 21, 2004 letter to Mr. Dellinger is attached as Ex. J. I used the U.S. Postal Service's Certified Mail Service to send the letter attached as Ex. J to

Mr. Dellinger. A true and correct copy of the Certified Mail Service return receipt postcard for item no. 7000 0600 0027 6324 5813 is attached as Ex. K. The Certified Mail Service Track & Confirm shows that notice was left for item no. 7000 0600 0027 6324 5813 on January 26 and January 30, 2004 as shown in attached Ex. L. A true and correct copy of the Certified Mail Service Track & Confirm for item no. 7000 0600 0027 6324 5813 is attached as Ex. L. The Certified Mail Service Track & Confirm shows the letter as still "unclaimed" as of February 10, 2004. *See* Ex. L. On February 19, 2004, the Certified Mail Service returned the package containing my January 21 letter to Pactiv as "unclaimed" as shown in attached Ex. M. *See also* Ex. L. A true and correct copy of the return Certified Mail Service envelope for item no. 7000 0600 0027 6324 5813 is attached as Ex. M.

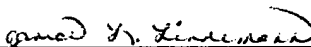
16. On January 22, 2004, I sent a duplicate of the January 21, 2004 letter attached as Ex. J with an accompanying declaration to Mr. Dellinger to the 1098 Blue Mill Road, Del Rio, TN 37727 address via overnight service. *See* Ex. J. I used DHL Service to send the letter attached as Ex. J to Mr. Dellinger. A true and correct copy of the DHL Tracking Results for item no. 46640307770 is attached as Ex. N. The DHL Signature Proof of Delivery shows that the letter was delivered to the residence door of Mr. J. Scott Dellinger, 1098 Blue Mill, Del Rio, TN 37727 on January 26, 2004 as shown in attached Ex. O. A true and correct copy of the DHL Signature Proof of Delivery for item no. 46640307770 is attached as Ex. O.

17. I have not received any written or oral return communications from Mr. Dellinger. I continue to try reaching Mr. Dellinger by telephone periodically at the (423) 487-3223 number but have been unsuccessful in reestablishing contact with anyone at this number.

18. I am not aware of any other address at which to contact Mr. Dellinger. Additionally, I am not aware of any other telephone number at which to contact Mr. Dellinger. Moreover, I am not aware of any electronic mail address at which to contact Mr. Dellinger.

19. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: February 23, 2004



Janice L. Lindemann
Pactiv Corporation



Janice L Lindemann

10/20/2003 10:57 AM

To: Tom Hayes/VER/Pactiv@Pactiv

cc:

Subject: Heads Up: Have A Declaration that Needs to Be Signed by Scott Dellinger

Tom,

The reissue application for 47097-00958USPR: "Vented Container with Handles and Embossment" requires the declaration to be signed by all of the inventors, which include: Raj Mangla, Scott Dellinger, Mark Erickson, Suzanne (Maslach) Penfold, Mark Spencer, and you within the next few weeks.

I will get Raj, Mark Erickson, and Suzanne's signatures and have this sent to you to gather the remaining signatures. (Suzanne has both a name change and an address change.)

Since it took awhile the last time to get Scott's address, I'm letting you know as soon as I got the form. The form lists Scott's address as 1118 Johnson Drive, Apt 3433, Buffalo Grove, IL 60089. Please advise of his correct current address so we can get his info updated on the form.




Tom Hayes

10/20/2003 01:49 PM

To: Janice L Lindemann/CAN/Pactiv@Pactiv

cc:

Subject: Re: Heads Up: Have A Declaration that Needs to Be Signed by Scott Dellinger 

Janice it's been a long time since I've talked to Scott. The latest addresses that I have are as follows:

504 Bethel Rd.
Apt 1003
Morganton, NC 28655-4900

828-437-1948
jsdellinger@yahoo.com

Alternate Contacts:

Mother's address:
1098 Blue Mill Rd.
Del Rio TN. 37727
423-487-3223

This is all I have. If you need any thing else please let me know. Have a good day.

Janice L Lindemann



Janice L Lindemann

10/20/03 09:57 AM

To: Tom Hayes/VER/Pactiv@Pactiv

cc:

Subject: Heads Up: Have A Declaration that Needs to Be Signed by Scott Dellinger

Tom,

The reissue application for 47097-00958USPR: "Vented Container with Handles and Embossment" requires the declaration to be signed by all of the inventors, which include: Raj Mangla, Scott Dellinger, Mark Erickson, Suzanne (Maslach) Penfold, Mark Spencer, and you within the next few weeks.

I will get Raj, Mark Erickson, and Suzanne's signatures and have this sent to you to gather the remaining signatures. (Suzanne has both a name change and an address change.)

Since it took awhile the last time to get Scott's address, I'm letting you know as soon as I got the form. The form lists Scott's address as 1118 Johnson Drive, Apt 3433, Buffalo Grove, IL 60089. Please advise of his correct current address so we can get his info updated on the form.



Janice L Lindemann

10/20/2003 02:36 PM

To: jsdellinger@yahoo.com

cc:

Subject: Pactiv Patent Declaration Form - Needs Updated Address Info

Hi Scott,

We have a reissue application for one of the patents you were a co-inventor on; we need you to sign the inventor's declaration form with your correct address info on it. Tom Hayes had the following info the last time we needed your signature:

504 Bethel Rd.
Apt 1003
Morganton, NC 28655-4900
828-437-1948

He also had :

Alternate Contacts:

Mother's address:
1098 Blue Mill Rd.
Del Rio TN. 37727
423-487-3223

To which address can we send the form for your signature? (It does not need to be notarized.)



PACTIV

Advanced Packaging Solutions

Telephone: 585 393-5158
Facsimile: 585 393-5037
E-Mail: jlindemann@pactiv.com

Law Department / Product Stewardship Office
Technology Center
2651 Brickyard Road
Canandaigua, New York 14424-7990

October 31, 2003

Mr. J. Scott Dellinger
504 Bethel Road
Apt. 1003
Morganton, NC 28655-4900

RE: Reissue Application Declaration

Dear Scott:

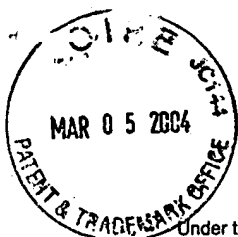
Attached is the "Reissue Application Declaration by the Inventor" form for a reissue of US patent 6,257,401 entitled "Vented Container with Handles and Embossment." Please sign/date as indicated and confirm your updated address. I am also sending this to your parents house.

Please feel free to call me with any questions.

Sincerely yours,

Janice Lindemann
Supervisor, Engineering Support Services

Enclosures



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REISSUE APPLICATION DECLARATION BY THE INVENTOR**Docket Number (Optional)**

47097-00958USPR

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 6,257,401 B1, granted July 10, 2001, and for which a reissue patent is sought on the invention entitled Vented Container with Handles and Embossment,

the specification of which

- ☐ is attached hereto.
- ☒ was filed on July 10, 2003, as reissue application number 10/616,733 and was amended on _____
(if applicable)

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below.
(Check all boxes that apply.)

- ☐ by reason of a defective specification or drawing.
- ☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.
- ☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

Claim 7 of U.S. Patent No. 6,257,401 B1 claims a thermoplastic container comprising, *inter alia*, "a pair of opposing side walls and a pair of opposing end walls, said side walls and said end walls extending upward from said bottom, said end walls extending between said side walls." The specification indicates that the container can have "any desired shape, such as round, oval, square, etc., but is preferably rectangular." Column 4, lines 31-38. Claim 7 is considered deficient in that it unnecessarily limits the shape of the container to the preferred embodiment. This aspect of the claims has been broadened by the new and amended claims.

[Page 1 of 3]

Burden Hour Statement: This form is estimated to take 0.5 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Reissue, Washington, DC 20231.

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REISSUE APPLICATION DECLARATION BY THE INVENTOR**Docket Number (Optional)**

47097-00958USPR

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

ROBERT L. ABDON, Reg. No. 50,996	PAUL R. KITCH, Reg. No. 38,206
TIMOTHY G. ACKERMANN, Reg. No. 44,493	TIMOTHY M. KOWALSKI, Reg. No. 44,192
BENJAMIN J. BAI, Reg. No. 43,481	HSIN-WEI LUANG, Reg. No. 44,213
JOSEPH M. BEAUCHAMP, Reg. No. 46,544	MICHAEL MADDOX, Reg. No. 47,764
NORMA BENNETT, Reg. No. 51,229	ROGER L. MAXWELL, Reg. No. 31,855
MICHAEL D. BERGER JR., Reg. No. 52,616	LISA H. MEYERHOFF, Reg. No. 36,869
MARY JO BOLDINGH, Reg. No. 34,713	ASHLEY N. MOORE, Reg. No. 51,667
MARGARET A. BOULWARE, Reg. No. 28,708	STANLEY R. MOORE, Reg. No. 26,958
DANIEL J. BURNHAM, Reg. No. 39,618	DANIEL G. NGUYEN, Reg. No. 42,933
SORINEL CIMPOES, Reg. No. 48,311	CONSTANCE L. PIELECH, Reg. No. 46,991
JASON W. COOK, Reg. No. 48,456	GREGORY PORTER, Reg. No. 40,131
ANDREW G. DINOVO, Reg. No. 40,115	ROSS T. ROBINSON, Reg. No. 47,031
STUART D. DWORK, Reg. No. 31,103	STEPHEN G. RUDISILL, Reg. No. 20,087
JANET M. GARETTO, Reg. No. 42,568	JERRY R. SELINGER, Reg. No. 26,582
MARK J. GATSCHE, Reg. No. 42,569	ZACHARY J. SMOLINSKI, Reg. No. 47,100
JOHN C. GATZ, Reg. No. 41,774	JUSTIN SWINDELLS, Reg. No. 48,733
RUSSELL J. GENET, Reg. No. 42,571	STEVE Z. SZCZEPANSKI, Reg. No. 27,957
ANIL V. GOLLAHALLI, Reg. No. 48,996	ANDRE M. SZUWALSKI, Reg. No. 35,701
LEKHA GOPALAKRISHNAN, Reg. No. 46,733	ALAN R. THIELE, Reg. No. 30,694
STEVEN R. GREENFIELD, Reg. No. 38,166	CYNTHIA K. THOMPSON, Reg. No. 48,655
J. PAT HEPTIG, Reg. No. 40,643	TAMSEN VALOIR, Reg. No. 41,417
JOHN E. HYATT, Reg. No. 43,421	BRIAN D. WALKER, Reg. No. 37,751
SHARON A. ISRAEL, Reg. No. 41,867	HAROLD N. WEISS, Reg. No. 26,044

Correspondence Address: Direct all communications about the application to:

☒ Customer Number

30223

OR

(Type Customer Number here)

(Place Customer Number
Bar Code Label here)☒ Firm or Individual Name

John C. Gatz

Address

Jenkins & Gilchrist

225 West Washington Street, Suite 2600

City

Chicago

State

Illinois

Zip

60606-3418

Country

USA

Telephone

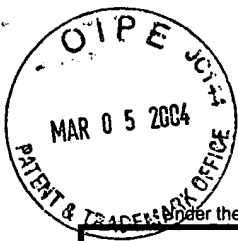
(312) 425-3900

Fax

(312) 425-3909

[Page 2 of 3]

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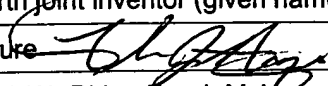
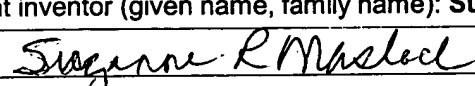
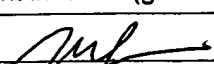


REISSUE APPLICATION DECLARATION BY THE INVENTOR		Docket Number (Optional)
		47097-00958USPR
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.		
Full name of sole or first inventor (given name, family name): Raj K. Mangla		
Inventor's signature <i>Raj K. Mangla</i>	Date <i>10/20/03</i>	
Residence: 101 Caversham Woods, Pittsford, New York 14534		
Mailing Address: same as Residence	Citizenship: U.S.A.	
Full name of second joint inventor (given name, family name): J. Scott Dellinger		
Inventor's signature	Date	
Residence: 1118 Johnson Dr. Apt. 3433, Buffalo Grove, Illinois 60089		
Mailing Address: same as Residence	Citizenship: U.S.A.	
Full name of third joint inventor (given name, family name): Mark A. Erickson		
Inventor's signature <i>Mark A. Erickson</i>	Date <i>11/10/2003</i>	
Residence: 91 Stable Way, Lindenhurst, Illinois 60046 6 WALLINGFORD RISE, FAIRPORT, NY 14450		
Mailing Address: same as Residence	Citizenship: U.S.A.	
Full name of fourth joint inventor (given name, family name): Thomas J. Hayes		
Inventor's signature <i>Thomas J. Hayes</i>	Date <i>11/25/2003</i>	
Residence: 28223 W. Ridge Road, McHenry, Illinois 60050 60051		
Mailing Address: same as Residence	Citizenship: U.S.A.	
Full name of fifth joint inventor (given name, family name): Suzanne R. Maslach		
Inventor's signature	Date	
Residence: 50 Sunset Blvd., Pittsford, New York 14534		
Mailing Address: same as Residence	Citizenship: U.S.A.	
Full name of sixth joint inventor (given name, family name): Mark E. Spencer		
Inventor's signature <i>Mark E. Spencer</i>	Date <i>12/3/03</i>	
Residence: 269 S. Ridge Drive, Gurnee, Illinois 60031		
Mailing Address: same as Residence	Citizenship: U.S.A.	
<input type="checkbox"/> Additional joint inventors are named on separately numbered sheets attached hereto.		

[Page 3 of 3]

Burden Hour Statement: This form is estimated to take 0.5 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Reissue, Washington, DC 20231.

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REISSUE APPLICATION DECLARATION BY THE INVENTOR	Docket Number (Optional) 47097-00958USPR
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Full name of sole or first inventor (given name, family name): Raj K. Mangla	
Inventor's signature	Date
Residence: 101 Caversham Woods, Pittsford, New York 14534	
Mailing Address: same as Residence	Citizenship: U.S.A.
Full name of second joint inventor (given name, family name): J. Scott Dellinger	
Inventor's signature	Date
Residence: 1118 Johnson Dr. Apt. 3433, Buffalo Grove, Illinois 60089	
Mailing Address: same as Residence	Citizenship: U.S.A.
Full name of third joint inventor (given name, family name): Mark A. Erickson	
Inventor's signature	Date
Residence: 91 Stable Way, Lindenhurst, Illinois 60046	
Mailing Address: same as Residence	Citizenship: U.S.A.
Full name of fourth joint inventor (given name, family name): Thomas J. Hayes	
Inventor's signature 	Date 11/25/2003
Residence: 28223 W. Ridge Road, McHenry, Illinois 60050	
Mailing Address: same as Residence	Citizenship: U.S.A.
Full name of fifth joint inventor (given name, family name): Suzanne R. Maslach	
Inventor's signature 	Date 11/6/03
Residence: 50 Sunset Blvd, Pittsford, New York 14534 7 Maple St. Pittsford NY 14534	
Mailing Address: same as Residence	Citizenship: U.S.A.
Full name of sixth joint inventor (given name, family name): Mark E. Spencer	
Inventor's signature 	Date 12/3/03
Residence: 269 S. Ridge Drive, Gurnee, Illinois 60031	
Mailing Address: same as Residence	Citizenship: U.S.A.
<input type="checkbox"/> Additional joint inventors are named on separately numbered sheets attached hereto.	

[Page 3 of 3]

Burden Hour Statement: This form is estimated to take 0.5 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Reissue, Washington, DC 20231.



Customer No. 30223

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:
Raj K. Mangla et al.

Serial No.: 10/616,733

Filed: July 10, 2003

For: VENTED CONTAINER WITH HANDLES
AND EMBOSSEMENT

Confirmation No. 9491

Group Art Unit: 1741

Examiner: N. Hayden

Atty. Docket No.: 47097-00958USPR

**DECLARATION OF THOMAS J. HAYES IN SUPPORT
OF PETITION OF AN UNAVAILABLE INVENTOR**

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313

Dear Commissioner:

**CERTIFICATE OF MAILING
37 C.F.R. 1.8**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date below:

2-27-04
Date

Thomas J. Hayes
Signature

I, Thomas J. Hayes, an employee of Pactiv Corporation, having personal knowledge of the facts set forth herein, hereby state and declare that:

1. I am Supervisor Product Design and Prototyping, Engineering Support Services at Pactiv Corporation.
2. I have knowledge of the details set forth in this Declaration.
3. I submit this Declaration in support of the proof of the pertinent facts of the diligent but unsuccessful effort which was made to locate inventor J. Scott Dellinger to obtain an executed declaration for the above-captioned patent application.

4. Pactiv Corporation ("Pactiv") is the owner of U.S. Patent No. 6,257,401 B1 which Pactiv is seeking to reissue in the above-captioned patent application. The Assignment for U.S. Patent No. 6,257,401 B1 was recorded with the U.S. Patent and Trademark Office at Reel 009972, Frame 0507.

5. I was Mr. Dellinger's supervisor when he was employed by Pactiv.

6. Mr. Dellinger left the employ of Pactiv on April 16, 1999. His address when he left Pactiv was 1118 Johnson Drive, Apt. 3433, Buffalo Grove, IL 60089. He reportedly moved from the Chicago area in the April 1999 time frame to take care of his sick grandmother living in another state.

7. On October 20, 2003, Pactiv's Supervisor of Engineering Support Services, Ms. Janice Lindemann, asked me for Mr. Dellinger's last known contact information. A true and correct copy of the October 20, 2003 electronic mail from Ms. Lindemann is attached as Exhibit A. That day, I provided two addresses for Mr. Dellinger: (i) 504 Bethel Road, Apt. 1003, Morganton, NC 28655-4900 and (ii) 1098 Blue Mill Road, Del Rio, TN 37727 (which I understood to be Mr. Dellinger's mother's address). A true and correct copy of the October 20, 2003 electronic mail to Ms. Lindemann is attached as Exhibit B. I also provided two telephone numbers for Mr. Dellinger: (i) (828) 437-1948 and (ii) (423) 487-3223. *See* Exhibit B. I further provided an electronic mail address for Mr. Dellinger of jsdellinger@yahoo.com. *See id.*

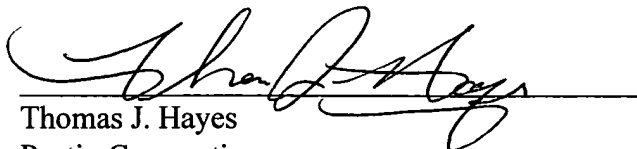
8. I am not aware of any other address at which to contact Mr. Dellinger. Additionally, I am not aware of any other telephone number at which to contact Mr. Dellinger. Furthermore, I am not aware of any electronic mail address at which to contact Mr. Dellinger.

9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these

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statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: February 23, 2004



Thomas J. Hayes
Pactiv Corporation